

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

March 14, 2019

Chairperson T. Michalski called the meeting to order at 4:04 p.m. and roll was taken.

MEMBERS PRESENT: T. Michalski, F. Peterson, S. Gawron, M. Hovey-Wright, E. Hood,
J. Doyle, J. Montgomery-Keast, B. Mazade

MEMBERS ABSENT: B. Larson, excused

STAFF PRESENT: M. Franzak, D. Renkenberger

OTHERS PRESENT: B. Gilbert, 971 Washington Ave; K. Johnson, City Commission; L.
Mikesell, City of Muskegon; R. Villate, 1872 Walnut

APPROVAL OF MINUTES

A motion to approve the Minutes of the regular Planning Commission meeting of February 14, 2019 was made by J. Doyle, supported by M. Hovey-Wright and unanimously approved.

PUBLIC HEARINGS

Hearing, Case 2019-04: Request to rezone the properties at 971 & 975 Washington Ave from R-2, Single Family Medium Density Residential to Form Based Code, Neighborhood Edge (FBC-NE), by Brett Gilbert. M. Franzak presented the staff report. Both properties are owned by Brett Gilbert, owner of Fatty Lumpkins Sandwich Shack at 971 Washington Ave. This restaurant was approved as a Special Land Use by the Planning Commission in 2009. Mr Gilbert has since purchased the commercial property to the west at 975 Washington Ave and would like to utilize that building as an extension of Fatty Lumpkins. Rather than asking for another Special Land Use Permit for the new restaurant space, staff encouraged him to apply for a rezoning, which would allow a restaurant without a Special Land Use Permit and would also make it easier to develop the properties if there are any future expansions. Form Based Code, Neighborhood Edge is a common zoning designation for commercial properties in this area. This zoning designation also allows residential homes as well, in the event the restaurant moves to another location. Both properties meet the minimum size (25' x 100') standards for Neighborhood Edge lots; both lots are approximately 26 x 127 feet. Staff recommends approval of the rezonings.

J. Montgomery-Keast asked what other types of uses would be allowed with the FBC-NE zoning. M. Franzak stated that it could allow office or retail uses, but the small lot size would limit what could be done. B. Gilbert owned Fatty Lumpkins and explained their plans for the second building. They wanted to expand their dining space and connect the two buildings with some type of covered walkway. They had been working with the health department on the necessary approvals.

A motion to close the public hearing was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request to rezone the properties at 971 and 975 Washington Avenue from R-2, Single Family Medium Density Residential to Form Based Code, Neighborhood Edge (FBC-NE) be recommended to the City Commission for approval, was made by M. Hovey-Wright, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, F. Peterson, S. Gawron, M. Hovey-Wright, E. Hood, J. Doyle, J. Montgomery-Keast, and B. Mazade voting aye.

Hearing, Case 2019-05: Staff-initiated request to amend the zoning ordinance to allow Research & Development as a permitted use in the Downtown and Mainstreet context areas of the Form Based Code. M. Franzak presented the staff report. The Form Based Code allows for Research & Development (R&D) uses in the Neighborhood Core and Neighborhood Edge Context Areas, as long as they are part of a mixed-use or flex building type. Staff is proposing to allow R&D in the Downtown and Mainstreet Context Areas as well, because of the low impact on surrounding uses and the possibility of attracting more businesses downtown. Research and development refers to the work a business conducts for the innovation, introduction and improvement of its products and procedures. It is a series of investigative activities to improve existing products and procedures or to lead to the development of new products and procedures. This use is not nearly as intensive as industrial. Allowing this use only in mixed-use and flex buildings would assure that they are a secondary use of in a building and not the main tenant. Staff recommends approval of the amendment.

B. Mazade asked if there was a definition of R&D in the zoning ordinance, and if it included animal testing. M. Franzak stated that the ordinance did not contain a specific definition of R&D. M. Hovey-Wright stated that odors could be a concern in close quarters with this type of use. J. Doyle stated that a definition was needed so the Planning Commission could review requests based on that information. M. Franzak suggested that R&D could be added as a special use, or a definition for it could be added to the ordinance. T. Michalski suggested setting up parameters for the types of businesses allowed and leaving it up to staff to approve. M. Franzak agreed and recommended honing the definition to included uses specifically not allowed, such as animal testing and those uses that would cause noise and odor nuisances. T. Michalski stated that he was comfortable leaving the wording up to staff.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

A motion that the request to amend the zoning ordinance to allow Research & Development as a permitted use in the Downtown and Mainstreet context areas in Mixed-Use and Flex building types be recommended to the City Commission for approval, and to allow staff to come up with an acceptable definition of “Research & Development” based on what was discussed at the meeting, was made by J. Montgomery-Keast, supported by M. Hovey-Wright and unanimously approved, with T. Michalski, F. Peterson, S. Gawron, M. Hovey-Wright, E. Hood, J. Doyle, J. Montgomery-Keast, and B. Mazade voting aye.

Hearing, Case 2019-06: Staff-initiated request to amend the Single Family Residential section of the zoning ordinance to clarify that short- and long-term rentals are not prohibited uses. M. Franzak presented the staff report. The City Commission recently passed a Short-Term Vacation Rental ordinance, which was provided to the board. Some citizens had complained that the City was not following the zoning ordinance due to wording in Section 400.3.h.xiv(5) of the Single Family Residential District: They claimed that rentals were breaking the rule of prohibiting “lodging services including but not limited to, a tourist home (defined as a bed and breakfast in the ordinance), motel or hotel.” However, this is located in the home occupation section, which also states “the business person operating the home occupation shall reside in the dwelling.” This is not the case with rentals--long or short term--so the City has never considered rentals as home

occupations. To clarify the intent and eliminate any confusion, staff recommends amending the ordinance as follows (**additions in bold**): “Home Occupations: xiv. Activities specifically prohibited (but not limited to) include: (5) A lodging service including but not limited to, a tourist home, motel r hotel. **This does not include short or long-term rental homes.**”

F. Peterson stated that the wording was necessary to clarify the ordinance to show that whole-house rentals were allowed, but single-room rentals are not. T. Michalski stated that he was strongly opposed to any single-room rentals. R. Villate stated that he owned a rental home, and that internet sites like Air B&B advertised both single-room and whole-house rentals. J. Montgomery-Keast asked if there was a definition for “short-term”. F. Peterson stated that it was under 30 days.

A motion to close the public hearing was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved.

A motion that the request to amend the Single Family Residential section of the zoning ordinance to clarify that short- and long-term rentals are not prohibited uses, be recommended to the City Commission for approval was made by J. Montgomery-Keast, supported by F. Peterson and unanimously approved, with T. Michalski, F. Peterson, S. Gawron, M. Hovey-Wright, E. Hood, J. Doyle, J. Montgomery-Keast, and B. Mazade voting aye.

Hearing, Case 2019-07: Staff-initiated request to adopt the amended Master Plan. The proposed Master Plan amendments for this request include 1) the addition of certain properties into the 2008 Downtown & Lakeshore Redevelopment Plan, and 2) the addition of the Imagine Muskegon Lake Plan. M. Franzak stated that the final draft of the Master Plan amendments used to go directly to City Commission for approval but staff would like to get the Planning Commission’s final recommendation first. The Planning Commission recommended approval of the amendments in December of 2018, and the City Commission approved the distribution of the plan to neighboring communities on January 8, 2019. Input from the community was taken into consideration and a final draft of the amendments was prepared. The Planning Commission must now vote on final approval of the plan, which will be followed by a City Commission vote to adopt the plan.

K. Johnson stated that the neighborhood was generally happy with the plan, but they were opposed to having an RV park at the Ovals. M. Franzak recommended that a specific yes or no directive on that issue be left out of the Master Plan. J. Doyle asked when the Master Plan was going to be redone. M. Franzak stated that the rest of the Master Plan was going to be updated over the course of the next couple of years.

A motion to close the public hearing was made by J. Montgomery-Keast, supported by J. Doyle and unanimously approved.

A motion to approve the revised Master Plan as presented, was made by J. Doyle, supported by J. Montgomery-Keast and unanimously approved, with T. Michalski, F. Peterson, S. Gawron, M. Hovey-Wright, E. Hood, J. Doyle, J. Montgomery-Keast, and B. Mazade voting aye.

NEW BUSINESS

None

OLD BUSINESS

None

OTHER

Master Plan Update – Neighborhood Meeting Schedule – M. Franzak distributed a list of staff's upcoming meetings with the various neighborhood associations, to obtain input for Master Plan updates.

Former Amoco Tank Farm Site - L. Mikesell and F. Peterson provided an update on the Amoco property per T. Michalski's request.

There being no further business, the meeting was adjourned at 5:00 p.m.

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